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JOHN C. STRINGHAM WORKMAN, NYDEGGER & SEELEY 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111		EXAMINER RINES, ROBERT D		
		ART UNIT 3626		PAPER NUMBER

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/029,464	Applicant(s) BEST-DEVEREUX, IGOR	
	Examiner Robert D. Rines	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/17/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

[1] This communication is in response to the amendment filed 14 August 2006. It is noted that this application benefits from Provisional Patent Application Serial No. 60/257,500 filed 21 December 2000 and Provisional Patent Application Serial No. 60/324,784 filed 25 September 2001. The IDS statement filed 17 October 2006 has been entered and considered. Claims 1, 6-8, 13, 22, 37, and 40 have been amended. Claims 44-47 are newly added. Claims 1-47 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

[2] Claims 38 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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[A] In claim 38 of the present case, Applicant recites the phrase "submitting an endorsement to the cedent to request an alteration of the terms agreed upon by the parties during negotiation" (Claim 38; lines 1-3). It is unclear as to whether the applicant intends that an insurer or reinsurer (assumer) is submitting a request to alter terms or if the cedent is requesting an alteration of terms based on an "endorsement" provided from another entity (e.g., a third party host or some other service provider). For purposes of applying art, Examiner assumes that altered terms or a negotiation item is received from a potential assumer and subsequently conveyed to the prospective insured, however, this is not clear to Examiner as the claim is current constructed. Therefore, claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

[B] Claim 39, by virtue of their dependence on claim 38, and when analyzed in the same manner described with respect to claim 38, also fails to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Therefore, claim 39 is rejected under 35 U.S.C. 112, second paragraph, as well.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[3] Claims 1-15, 22, 33-34, and 36-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolff et al. (United States Patent Application Publication #2002/0029158).

[A] As per claim 1, Wolff et al. teaches in a network system (Wolff et al.; paragraphs [0013]-[0015]) including a cedent and one or more assumers, wherein a negotiation for reinsurance of a risk is conducted between the cedent and the one or more assumers, a method for facilitating the negotiation for reinsurance of a risk, comprising: receiving a submission of a risk for reinsurance from a cedent (Wolff et al.; paragraphs [0017] [0021] [0034] [0037]); conveying the submission to selected assumers of reinsurance risks (Wolff et al.; paragraphs [0034] [0037]); receiving one or more responses to the submission the selected assumers to whom the submission was conveyed (Wolff et al.; paragraphs [0019] [0034]); conveying the received responses to the cedent (Wolff et al.; paragraphs [0019] [0034]); receiving a reply from the cedent for at least one received response (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]); and concluding the

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negotiation such that the risk is either bound or the negotiation is terminated without binding the risk (Wolff et al.; paragraphs [0019] [0020] [0035]).

Applicant has amended claim 1 to further require that the submission of risk received for purposes of reinsurance includes a submission including a risk record describing the origin of the risk for which reinsurance is being sought, the risk record contracted from cedent collected information entered by the cedent into the system based on the cedent's association with the risk. Applicant has further amended claim 1 by specifying that the received responses indicative of one or more assumers that are interested in negotiating for or concluding reinsurance of the risk. Applicant has further amended claim 1 to include a received response from an assumer interested in negotiating for reinsurance of the risk, the reply altering the risk record for the submission with respect to the assumer.

As per these elements, Wolff et al. disclose the submission of risk received for purposes of reinsurance includes a submission including a risk record describing the origin of the risk for which reinsurance is being sought, the risk record contracted from cedent collected information entered by the cedent into the system based on the cedent's association with the risk (Wolff et al.; paragraphs [0017] [0021] [0034] [0037]). Wolff et al. additionally disclose that the received responses indicative of one or more assumers that are interested in negotiating for or concluding reinsurance of the risk (Wolff et al.; paragraphs [0019] [0034]). Wolff et al. further disclose a received response from an assumer interested in negotiating for reinsurance of the risk, the reply altering the risk record for the submission with respect to the assumer (Wolff et al.; paragraphs

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[0018] [0037]). Specifically, in paragraphs [0018] [0037], Wolff et al. disclose that the insurability documentation, or reinsurance documentation file, may be customized to only include those sections of the file required by that insurance carrier. Examiner interprets this teaching of Wolff et al. to enable users to modify the risk portfolio submitted to the prospective reinsurer.

[B] As per claim 2, Wolff et al. teaches a method further comprising allowing additional responses from the one or more assumers necessary to continue or conclude the negotiation (Wolff et al.; paragraphs [0019] [0034]).

[C] As per claim 3, Wolff et al. teaches a method further comprising allowing additional replies from the cedent to one or more assumers necessary to continue or conclude the negotiation with each assumer (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]).

[D] As per claim 4, Wolff et al. teaches a method further comprising monitoring the stages of the negotiation including the submission, the responses from the one or more assumers, and the replies from the cedent (Wolff et al.; paragraphs [0015] [0017] [0019] [0034] [0036]).

[E] As per claim 5, Wolff et al. teaches a method further comprising providing an interface for viewing the stages of the negotiation and allowing input of the submission, responses, and replies (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]).

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[F] As per claim 6, Wolff et al. teaches a method wherein the additional replies from the cedent comprises tailored replies to one or more responses from one or more assumers (Wolff et al.; paragraphs [0018] [0034]).

Applicant has amended claim 6 to include replies from the cedent comprises tailored replies responsive to one or more responses. As per this element, Wolff et al. disclose tailored replies responsive to one or more responses (Wolff et al.; paragraph [0018]).

[G] As per claim 7, Wolff et al. teaches a method wherein the tailored reply provided to one assumers is isolated from tailored reply provided to another assumer such that one cedent can privately conduct multiple unique threads of negotiation with multiple assumers (Wolff et al.; paragraphs [0018] [0034]).

NOTE: Wolff et al. provides for the customization of the insurability documentation file to only include those sections of the files required by a specific insurance carrier (Wolff et al.; paragraph [0018]). Examiner views the customization features of Wolff et al. as the equivalent of Applicant's desire to tailor information provided to an assumer.

Applicant has amended claim 7 to include multiple assumers so as to isolate negotiations with different assumers from one another. As per this element, Wolff et al. disclose isolating negotiations with different assumers from one another (Wolff et al.; paragraph [0034]).

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[H] As per claim 8, Wolff et al. teaches a method wherein the reply provided to one assumer is not isolated from tailored reply provided to another assumer such that one cedent can conduct a negotiation with multiple assumers simultaneously to build consensus by syndication (Wolff et al.; paragraph [0034]).

Applicant has amended claim 8 to include with multiple assumers simultaneously to build consensus and obtained reinsurance capacity by syndication between multiple assumers. As per this element, Wolff et al. disclose building consensus by negotiating with multiple assumers (Wolff et al.; paragraph [0034]).

[I] As per claim 9, Wolff et al. teaches a method wherein concluding a negotiation comprises binding reinsurance of the risk submitted by the cedent (Wolff et al.; paragraph [0035]).

[J] As per claim 10, Wolff et al. teaches a method wherein upon binding reinsurance of a risk the assumer offers the risk to one or more assumers of reinsurance risk in a reinsurance market subject to the terms of the agreement with the cedent (Wolff et al.; paragraphs [0021] [0037]).

NOTE: Wolff et al. teaches a method in which insurability documentation files are developed such that a unified document system can support the insurance and reinsurance processes (Wolff et al.; paragraph [0021]). Examiner is interpreting the teachings of Wolff et al. to consider the subsequent submission of any insurer (primary, reinsurer, or other) of bound policies for

reinsurance consideration by additional assumers.

[K] As per claim 11, Wolff et al. teaches a method wherein the act of conveying a submission to one or more potential assumers of reinsurance risk comprises conveying the submission to all of the potential assumers identified by the cedent as assumers to whom conveyance of the submission is required (Wolff et al.; paragraphs [0018] [0034]).

[L] As per claim 12, Wolff et al. teaches a method wherein the act of conveying a submission to one or more assumers of reinsurance risk comprises conveying the submission to one or more of the assumers identified by the cedent as assumers to whom conveyance of the submission is permitted (Wolff et al.; paragraphs [0018] [0034]).

[M] As per claim 13, Wolff et al. teaches a in a system including a cedent and one or more assumers wherein a negotiation for reinsurance of a risk is conducted between the cedent and the one or more assumers, a method for facilitating the negotiation, comprising the acts of: receiving a submission of a risk for reinsurance (Wolff et al.; paragraphs [0017] [0021] [0034] [0037]); conveying the submission to one or more assumers of reinsurance risks (Wolff et al.; paragraphs [0034] [0037]); receiving one or more responses to the submission from one or more of the assumers to whom the submission was conveyed (Wolff et al.; paragraphs [0019] [0034]) wherein each received response comprises one of an offer, a counteroffer, a quote, a plurality of alternative quotes, a refusal to quote, a request for additional information, or an acceptance of a request to bind (Wolff et al.; paragraphs [0019] [0020] [0034]); conveying the one or more

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responses to the cedent (Wolff et al.; paragraphs [0019] [0034]); receiving additional replies from the cedent (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]), wherein each reply comprises one of a resubmission of the risk for reinsurance, an acceptance of a quote, a request to bind a risk, a counteroffer, a refusal of a quote, additional information, or an offer (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]); determining at each stage of the negotiation whether additional responses from the potential assumers or additional replies from the cedent are necessary to continue or conclude the negotiation (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]); selectively receiving additional responses or replies based on the determination of whether additional responses or reply are necessary to continue or conclude the negotiation (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]); and monitoring the stages of the negotiation including the submission, the responses from the one or more potential assumers, and the replies from the cedent; and providing an interface for viewing the stages of the negotiation and allowing additional responses and reply for continuing or concluding the negotiation (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]).

Applicant has amended claim 13 to further require that the submission of risk received for purposes of reinsurance includes a submission including a risk record describing the origin of the risk for which reinsurance is being sought, the risk record contracted from cedent collected information entered by the cedent into the system based on the cedent's association with the risk.

Applicant has further amended claim 13 by specifying that the received responses indicative of one or more assumers that are interested in negotiating for or concluding reinsurance of the risk.

Applicant has further amended claim 1 to include a received response from an assumer interested

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in negotiating for reinsurance of the risk, the reply altering the risk record for the submission with respect to the assumer. Applicant has further amended claim 13 to include replies by the cedent include an offer based on the respective responses from the one or more assumers.

As per these elements, Wolff et al. disclose the submission of risk received for purposes of reinsurance includes a submission including a risk record describing the origin of the risk for which reinsurance is being sought, the risk record contracted from cedent collected information entered by the cedent into the system based on the cedent's association with the risk (Wolff et al.; paragraphs [0017] [0021] [0034] [0037]). Wolff et al. additionally disclose that the received responses indicative of one or more assumers that are interested in negotiating for or concluding reinsurance of the risk (Wolff et al.; paragraphs [0019] [0034]). Wolff et al. further disclose a second round of bidding including optional information concerning the ratings/bids provided by bidders in previous rounds (Wolff et al.; paragraph [0034]). Examiner respectfully submits that sending replies by the cedent including additional information regarding the competitiveness of other bids constitutes an offer based on respective responses from the one or more assumers, as claimed by Applicant.

[N] As per claim 14, Wolff et al. teaches a method wherein the act of determining at each stage of the negotiation whether additional responses from the potential assumers or additional replies from the cedent are necessary to continue or conclude the negotiation comprises determining independently for each assumer whether additional responses from the assumer or

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additional replies to the assumer are necessary to continue or conclude the negotiation with the assumer (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]).

[O] As per claim 15, Wolff et al. teaches a method wherein the interface comprises a cedent homepage (Wolff et al.; paragraphs [0017] [0020]).

[P] As per claim 22, Wolff et al. teaches in a cedent system, a method for monitoring negotiations for reinsurance of a risk, comprising the acts of: submitting information for reinsurance of a risk (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]); receiving one or more responses to the submission from one or more of the potential assumers to whom the submission was conveyed wherein the response comprises one of an offer, a counteroffer, a quote, a plurality of alternative quotes, a refusal to quote, or an acceptance of a request to bind (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]); submitting a reply to the response from one or more of the potential assumers wherein the reply comprises one of a resubmission of the risk for reinsurance, an acceptance of a quote, a request to bind a risk, a counteroffer, a refusal of a quote, or an offer; allowing additional responses and submitting additional replies necessary to continue or conclude the negotiation (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]); monitoring the information and replies submitted and the responses received; and maintaining an interface for viewing the information and replies submitted and the responses received (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]).

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Applicant has amended claim 22 to require that submission of a risk includes the information for reinsurance of the risk including a risk record describing the origin of the risk for which reinsurance is being sought, the risk record constructed from cedent collected information entered by a cedent into the cedent system based on the cedent's association with the risk.

Applicant has further limited claim 22 by adding replies to the response from one or more of the potential assumers include an offer based on the respective responses from the one or more of the potential assumers.

As per these elements, Wolff et al. disclose the information for reinsurance of the risk including a risk record describing the origin of the risk for which reinsurance is being sought, the risk record constructed from cedent collected information entered by a cedent into the cedent system based on the cedent's association with the risk (Wolff et al.; paragraphs [0017] [0021] [0034] [0037]). Wolff et al. further disclose a second round of bidding including optional information concerning the ratings/bids provided by bidders in previous rounds (Wolff et al.; paragraph [0034]). Examiner respectfully submits that sending replies by the cedent including additional information regarding the competitiveness of other bids constitutes an offer based on respective responses from the one or more assumers, as claimed by Applicant.

[Q] As per claim 33, Wolff et al. teaches a method wherein the act of submitting information for reinsurance of a risk includes inputting policy information of the insurance policy for which reinsurance is being sought (Wolff et al.; paragraphs [0021] [0037]).

[R] As per claim 34, Wolff et al. teaches a method wherein the act of submitting information for reinsurance of a risk includes inputting underwriting information for the policy for which reinsurance is being sought (Wolff et al.; paragraphs [0021] [0037]).

[S] As per claim 36, Wolff et al. teaches a method wherein the act of submitting information for reinsurance of a risk further comprises attaching a file to the risk information to be submitted (Wolff et al.; paragraphs [0015]-[0016] [0018] [0021] [0037]).

[T] As per claim 37, Wolff et al. teaches in a assumer system, a method for monitoring negotiations for reinsurance of a risk, comprising the acts of: receiving a submission for a risk of reinsurance from a cedent (Wolff et al.; paragraphs [0017] [0021] [0034] [0037]); providing a response to the submission from the cedent wherein the response comprises one of an offer, a counteroffer, a quote, a plurality of alternative quotes, a refusal to quote, a request for additional information, or an acceptance of a request to bind (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]); receiving the submission of a reply from the cedent wherein the reply comprises one of a resubmission of the risk for reinsurance, an acceptance of a quote, a request to bind a risk, a counteroffer, a refusal to quote, additional information, or an offer (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]); providing additional responses and allowing additional replies necessary to continue or conclude the negotiation (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]); monitoring the information exchanged during various stages of the negotiation, wherein the information exchanged includes submissions of risks received, submission of replies

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received, and responses provided to the submissions during negotiations for reinsurance of a risk (Wolff et al.; paragraphs [0019] [0020] [0034] [0035]); and maintaining an interface for facilitating the negotiation the interface allowing viewing information exchanged during various stages of the negotiation and allowing the exchange of additional information (Wolff et al.; paragraphs [0017]-[0020]).

Applicant has amended claim 37 to include the submission including a risk record describing the origin of the risk for which reinsurance is being sought, the risk record contracted from cedent collected information entered by a cedent based on the cedent's association with the risk.

Applicant has further amended claim 37 to include the response indicative of an interest in negotiating for or concluding reinsurance of the risk. Applicant has further amended claim 37 to include a refusal of a quote, additional information, or an offer based on the contents of the previous response.

As per these elements, Wolff et al. disclose the submission including a risk record describing the origin of the risk for which reinsurance is being sought, the risk record contracted from cedent collected information entered by a cedent based on the cedent's association with the risk (Wolff et al.; paragraphs [0017] [0021] [0034] [0037]). Wolff et al. further disclose the response indicative of an interest in negotiating for or concluding reinsurance of the risk (Wolff et al.; paragraphs [0019] [0034]). Wolff et al. further disclose replies including one of a refusal of a quote, additional information, or an offer based on the contents of the previous response. More specifically, Wolff et al. further disclose multiple rounds of bidding additionally including

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optional information concerning the ratings/bids provided by bidders in previous rounds (Wolff et al.; paragraph [0034]). Examiner respectfully submits that sending replies by the cedent including additional information regarding the competitiveness of other bids constitutes an offer based on the contents of a previous response, as claimed by Applicant.

[U] As per claim 38, Wolff et al. teaches a method further comprising the act of submitting an endorsement to the cedent to request an alteration of the terms agreed upon by the parties during the negotiation (Wolff et al.; paragraphs [0019] [0034]).

[V] As per claim 39, Wolff et al. teaches a method further comprising the act of receiving from the cedent a reply to the submission of the endorsement wherein the reply comprises either an acceptance or a rejection of the altered terms of the agreement (Wolff et al.; paragraphs [0034] [0035]).

[W] As per claim 40, Wolff et al teaches a computer program product for implementing, in a network system, that includes a cedent and one or more assumers and also includes a processing device for receiving and conveying data, a method for facilitating negotiations for reinsurance of a risk (Wolff et al.; paragraphs [0015]-[0017] [0034] [0036] [0037]), the computer program product comprising: a computer-readable medium carrying computer-executable instructions for implementing the method, wherein the computer-executable instructions (Wolff et al.; paragraphs [0015]-[0017]), when executed, cause the processing device to perform the acts of: receiving at the processing device input from a cedent (Wolff et al.; paragraph [0034]);

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conveying the reply to one or more potential assumers (Wolff et al.; paragraph [0034]); receiving at the processing device a response from one or more potential assumers to whom input from the cedent was conveyed (Wolff et al.; paragraph [0034]); and allowing additional input from the cedent necessary to continue or conclude the negotiation (Wolff et al.; paragraphs [0034] [0035]); and providing an interface that permits users to view input and responses provided at various stages of the negotiation (Wolff et al.; paragraphs [0015]-[0017] and [0034]-[0037]).

Applicant has amended claim 40 to include the input representative of a risk record describing the origin of the risk for which reinsurance is being sought, the input entered by the cedent into the processing device based on the cedent's association with the risk. Applicant has further amended claim 40 to include the received responses indicative of one or more potential assumers that are interested in negotiating for or concluding reinsurance of the risk. Applicant has further amended claim 40 to include including altering the risk record with respect to specified potential assumers based on the responses from those specified potential assumers to thereby negotiate with the specified potential assumers.

As per these elements, Wolff et al. disclose the input representative of a risk record describing the origin of the risk for which reinsurance is being sought, the input entered by the cedent into the processing device based on the cedent's association with the risk (Wolff et al.; paragraphs [0017] [0021] [0034] [0037]). Wolff et al. further disclose the received responses indicative of one or more potential assumers that are interested in negotiating for or concluding reinsurance of the risk (Wolff et al.; paragraphs [0019] [0034]). Wolff et al. further disclose including altering

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the risk record with respect to specified potential assumers based on the responses from those specified potential assumers to thereby negotiate with the specified potential assumers (Wolff et al.; paragraphs [0018] [0037]). Specifically, in paragraphs [0018] [0037], Wolff et al. disclose that the insurability documentation, or reinsurance documentation file, may be customized to only include those sections of the file required by that insurance carrier. Examiner interprets this teaching of Wolff et al. to enable users to modify the risk portfolio submitted to the prospective reinsurer.

[X] As per claim 41, Wolff et al. teaches a method further comprising the act of requiring the cedent to take action with respect to a group of responses related to a given submission before continuing or concluding the negotiation (Wolff et al.; paragraphs [0034] [0035]).

[Y] As per claim 42, Wolff et al. teaches a method wherein the act of requiring the cedent to take action with respect to a group of responses comprises requiring a cedent to decline all outstanding offers before binding a risk (Wolff et al.; paragraphs [0034] [0035]).

[Z] As per claim 43, Wolff et al. teaches a method further comprising the act of maintaining a file for holding a cedent's unassumed submissions and assumed reinsurance risks wherein the file permits the cedent to access information related to the unassumed submissions and the assumed reinsurance risks (Wolff et al.; paragraphs [0034] [0035] [0037]).

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[AA] As per (newly added) claim 44, Wolff et al. disclose a method wherein concluding the negotiation such that the risk is either bound or the negotiation is terminated without binding the risk comprises iteratively changing the state of the negotiation between the cedent and the assumer interested in negotiating for reinsurance of the risk based on the content of further responses and replies as the further responses and replies are exchanged (Wolff et al.; paragraphs [0034] [0035] [0037]).

[BB] As per (newly added) claim 45, Wolff et al. disclose a method wherein receiving one or more responses to the submission from selected assumers to whom the submission was conveyed reinsurance of the risk comprises receiving a response from an assumer that requests additional information from the cedent and wherein conveying the received responses to the cedent comprises conveying the request for additional information to the cedent (Wolff et al.; paragraphs [0018] [0034] [0037]).

[CC] As per (newly added) claim 46, Wolff et al. disclose a method wherein receiving a reply from the cedent for a received response from an assumer interested in negotiating for reinsurance of the risk comprises an act of receiving a request from the cedent, the request requesting more information from the assumer interested in negotiating for reinsurance of the risk (Wolff et al.; paragraphs [0018] [0034] [0037]).

[DD] As per (newly added) claim 47, Wolff et al. disclose a method wherein receiving a reply from the cedent for a received response from an assumer interested in negotiating for reinsurance

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of the risk comprises an act of receiving a counteroffer from the cedent (Wolff et al.; paragraph [0034]). Specifically, Wolff et al. disclose a second round of bidding in which the cedent may optionally include bids submitted by bidders in previous rounds. Examiner submits that this constitutes a counteroffer, as claimed by Applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[4] Claims 16-21, 23-32, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff et al. in view of Tyler et al. (United States Patent #5,523,942).

[A] Regarding claims 16-21, Wolff et al. teaches an Internet enabled system/method that facilitates an insurance and reinsurance bidding process between a cedent and multiple assumers (Wolff et al.; Abstract and paragraphs [0018]-[0021]). Although Wolff et al. discloses a system/method in which transmission of insurance and reinsurance information occurs through a

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centralized web site (Wolff et al.; paragraph [0020]), Wolff et al. fails to specifically teach limitations relating to the specific data fields and options presented to the user through a user interface or homepage. However, as evidenced by Tyler et al. the use of computer graphical user interfaces for entering, retrieving, sending, and transmitting information to facilitate the design and purchase of insurance policies is well-known in the art (Tyler et al.; Abstract).

[i] Specifically, as per claim 16, Tyler et al. teaches a method wherein the cedent homepage includes one or more fields for receiving responses from one or more assumers wherein the one or more fields comprise one or more of the following: a quotes to review field, a messages to review field, and an endorsements field (Tyler et al.; Abstract and col. 5, lines 33-41 and col. 6, lines 59-65).

[ii] As per claim 17, Tyler et al. teaches a method wherein the cedent homepage includes interactive listings for accessing expanded coverage of reinsurance negotiations (Tyler et al.; col. 5, lines 33-41 and col. 6, lines 59-65).

[iii] As per claim 18, Tyler et al. teaches a method wherein the cedent homepage includes buttons for submitting a reply to one or more responses (Tyler et al.; col. 5, lines 33-41, col. 5, lines 51-67 and col. 6, lines 1-9).

[iv] As per claim 19, Tyler et al. teaches a method wherein the cedent homepage includes a link to a submissions homepage wherein the submissions homepage allows a cedent to input

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submission information and provides information related to one or more submissions previously input (Tyler et al.; col. 5, lines 33-41, col. 12, lines 10-20, col. 12, lines 38-49, and col. 17, lines 18-25).

[v] As per claim 20, Tyler et al. teaches a method wherein the interface comprises an assumer homepage (Tyler et al.; col. 6, lines 59-65).

[vi] As per claim 21, Tyler et al. teaches a method wherein the assumer homepage includes fields for providing responses to submissions and replies received from one or more cedents with whom the assumer is negotiating and fields for monitoring various stages of each negotiation for reinsurance of a risk (Tyler et al.; col. 6, lines 59-65).

[vii] Regarding claims 16-21, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Wolff et al. with those of Tyler et al. Such combination would have resulted in a system/method that allows an initiator to solicit insurability rating bids from a substantial number of insurance carriers and subsequently consider of choose the insurer providing the best rating and best product. Further, such a system would have provided for additional rounds of bidding in which the initiator could supplement successive rounds of bidding by providing carriers with information garnered from previous rounds of bidding (Wolff et al.; paragraph [0013]). Additionally, such a system/method would have been enabled through the use of a centralized website for the submission and transmission of data between and among the involved parties (Wolff et al.; Abstract and paragraph [0020]).

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Further, it would have been obvious to one of ordinary skill in the art to employ a user interface with data entry fields to ease the process of collecting information required to design and insurance product for a customer, receive a request for information about an insurance product or policy, access stored information, such as rates, and perform calculations based on the requested information from the user and display the policy level and component level information at both a point in time and over one or more time intervals (Tyler et al.; col. 5, lines 33-41). The motivation to combine the teachings would have been to empower the reinsurance/insurance bidding system (Wolff et al.; Abstract) with a user interface that enables a user to intelligently enter all relevant information about an insurance product (Tyler et al.; col. 5, lines 6-10).

[B] Regarding claims 23-32 and 35, while Wolff et al. teaches an Internet enabled bidding system for insurance and reinsurance products including the submission of information relevant to the underwriting of insurance reinsurance policies (Wolff et al.; Abstract and paragraphs [0018]-[0021]), Wolff et al. fails to specifically disclose details such as the selection of insurance class, policy type, and specific templates for entry of information related to different insurance classes. However, Tyler et al. teaches a system that enables a user to specify insurance product and insurance product components (Tyler et al.; Abstract).

[i] Specifically, as per claim 23, Tyler et al. teaches a method wherein the act of submitting information for reinsurance of a risk further comprises the act of classifying policy information of the risk to be reinsured (Tyler et al.; col. 13, lines 11-20 and col. 13, lines 50-67).

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[ii] As per claim 24, Tyler et al. teaches a method wherein the act of classifying policy information further comprises the act of selecting a policy class (Tyler et al.; col. 13, lines 11-20 and col. 13, lines 50-67).

[iii] As per claim 25, Tyler et al. teaches a method wherein the act of classifying the policy information further comprises the act of selecting a policy type (Tyler et al.; col. 13, lines 11-20 and col. 13, lines 50-67).

[iv] As per claim 26, Tyler et al. teaches a method wherein the act of classifying the policy information further comprises selecting a template for inputting policy information (Tyler et al.; col. 11, lines 5-12 and col. 12, lines 10-21 and Fig. 2).

[v] As per claim 27, Tyler et al. teaches a method wherein the act of classifying policy information of the risk to be reinsured comprises: selecting a policy class (Tyler et al.; col. 13, lines 11-20 and col. 13, lines 50-67); selecting a policy type from a subset of policy types within the policy class (Tyler et al.; col. 13, lines 11-20 and col. 13, lines 50-67); selecting a template for inputting policy information (Tyler et al.; col. 13, lines 11-20 and col. 13, lines 50-67), the template tailored to the policy type (Tyler et al.; col. 11, lines 5-12 and col. 12, lines 10-21 and Fig. 2); and inputting policy information into the selected template (Tyler et al.; col. 12, lines 39-49).

[vi] As per claim 28, Tyler et al. teaches a method wherein the act of submitting information

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for reinsurance of a risk further comprises the act of classifying reinsurance being sought (Tyler et al.; col. 13, lines 11-19 and col. 14, lines 44-56).

[vii] As per claim 29, Tyler et al. teaches a method wherein the act of classifying reinsurance being sought comprises selecting a reinsurance type (Tyler et al.; col. 13, lines 11-19 and col. 14, lines 44-56).

[viii] As per claim 30, Tyler et al. teaches a method wherein the act of classifying reinsurance being sought further comprises selecting perils for which reinsurance is sought (Tyler et al.; col. 13, lines 11-19 and col. 14, lines 44-56).

[ix] As per claim 31, Tyler et al. teaches a method wherein the act of classifying reinsurance being sought further comprises selecting a currency for the reinsurance being sought (Tyler et al.; col. 14, lines 65-67).

[x] As per claim 32, Tyler et al. teaches a method wherein the act of classifying reinsurance being sought comprises: selecting a reinsurance type; selecting perils on which reinsurance is sought; and selecting a currency for the reinsurance being sought (Tyler et al.; col. 13, lines 11-19 and col. 14, lines 44-67 and Fig. 2).

[xi] As per claim 35, Tyler et al. teaches a method wherein the act of submitting information

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for reinsurance of a risk includes inputting preferred terms of reinsurance being requested (Tyler; col. 13, lines 50-67 and col. 14, lines 44-55).

[xii] Regarding claims 23-32 and 35, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Wolff et al. with those of Tyler et al. The motivation to combine the teachings would have been to ensure that the reinsurance and insurance bidding process (Wolff et al.; Abstract and paragraph [0034]) considered all parameters and variables relevant to the policy the insured requires (Tyler et al.; col. 6, lines 10-21). Further motivation would have been to provide a concise one-window view of proposal information that could be used to design all policies for an insurance company regardless of the type of insurance product being designed or for which information is requested (Tyler et al.; col. 6, lines 35-45).

Response to Remarks

[5] Applicant's remarks filed 14 August 2006 have been fully considered but they are not persuasive. The remarks will be addressed below in the order in which they appear in the response filed 14 August 2006.

Applicant remarks that Wolff et al., alone or in combination, does not describe the process defined by claim 1 of present application.

Specifically, Applicant remarks:

"Wolff describes a method and system for the life insurance industry (Title)."

In response, Examiner directs Applicant's attention to the teachings of Wolff et al. at paragraphs [0021] [0037]. In the above noted passages, Wolff et al. describe an information consolidation and bidding system; exemplified in the body of the teachings as a method of facilitating a negotiation process for primary life insurance policies, but anticipated for use in facilitating the reinsurance process. Accordingly, Examiner respectfully submits that the functions, structure and features exemplified by Wolff et al. for implementation in process of obtaining life insurance, are also directly applicable to the process of consolidation of information for negotiation purposes in the reinsurance marketplace.

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Applicant further remarks:

"For example, the cited art fails, either singly or in combination, to disclose or otherwise suggest a tailored reply provided to one or more assumer is isolated from tailored reply provided to another assumer such that one cedent can privately conduct multiple threads of negotiation with multiple assumers so as to isolate negotiations with different assumers from one another. Wolff et al. teaches away from isolation since prior bids can be sent to prospective bidders in subsequent rounds of bidding"

In response, Examiner directs Applicant's attention to the teachings of Wolff et al. at paragraphs [0018] and [0034]. In the paragraph [0018], Wolff et al. describes a system-enabled method that provides for customization of the submitted file to include only those sections required by that insurance carrier. Examiner respectfully submits that the noted teaching of Wolff et al. at paragraph [0018] constitutes an enablement by Wolff et al. to tailor information sent to a prospective reinsurer at any point in the negotiation process.

In paragraph [0034], Wolff et al. describe an option provided to the cedent to disclose results obtained from previous rounds of bidding to a prospective reinsurer in subsequent rounds of bidding. Examiner respectfully submits that this is clearly indicated as a option and accordingly, Examiner submits that unless indicated otherwise, typical negotiations conducted using the teachings of Wolff et al. occur in isolation from negotiations with other entities.

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In conclusion, all of the limitations which Applicant disputes as missing in the applied references, including the features newly added in the 14 August 2006 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Wolff et al. and Tyler et al., based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action (mailed 30 May 2006), and incorporated herein.

Conclusion

[5] **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert D. Rines whose telephone number is 571-272-5585. The examiner can normally be reached on 8:30am - 5:00pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDR

R. D. Rines 11/13/06

Joseph Thomas
JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER